

REMARKS

Claims 1-8 are pending.

By this Preliminary Amendment, Claims 1, 4 and 6 are amended. Support for the amendments may be found in the specification as originally filed, see, for example only, page 7, lines 17-22, page 8, lines 15-17, and page 10, lines 18-24, as well as Figures 2-6 and 8.

As such, Applicants respectfully submit that no new matter is added.

Information Disclosure Statement

Applicants respectfully note that an Information Disclosure Statement (IDS), a Form PTO/SB/08a listing references cited by the IDS, and the references themselves were filed on December 8, 2005. To date, Applicants have not received confirmation that the Examiner has considered the references cited in the IDS. As such, Applicants respectfully request that any subsequent communication from the Patent Office include the Form PTO/SB/08a initialed by the Examiner confirming the Examiner's consideration of the references cited in the IDS.

Double Patenting

The final Office Action dated October 16, 2008 again rejected Claim 1 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claim 1 of U.S. Patent No. 7,217,899 to Hidaka et al. (Hidaka). Applicants respectfully traverse the rejection as it is believed to be erroneous.

As noted in the Response filed on July 15, 2008 and discussed during the telephonic interview between the Examiner and Applicants representative on November 14, 2008, M.P.E.P. §804(II)(B)(1) clearly and plainly states that "[o]bviousness-type

double patenting requires rejection of an application when the claimed subject matter is **not patentably distinct** from the subject matter claimed in a commonly owned patent, or a non-commonly owned patent but subject to a joint research agreement . . .”

Applicants again note that Hidaka is owned or assigned to Kabushiki Kaisha Honda Lock **and** Honda Motor Co. The subject matter claimed in the instant application is owned or assigned only to Kabushiki Kaisha Honda Lock (see Reel 017364, Frame 0080). Since Hidaka has two (2) owners/assignees and the instant application only has one (1) owner/assignee, Applicants respectfully submit that Hidaka and the instant application are not commonly owned because the Hidaka patent and instant application are not entirely owned by the same organization or business entity. Applicants respectfully suggest M.P.E.P. §706.02(l)(2) be consulted for a definition of common ownership.

Therefore, Applicants respectfully point out that even if Applicants desired to submit a Terminal Disclaimer to obviate the rejection, Applicants could not properly file a Terminal Disclaimer to obviate the rejection, as is erroneously stated in the Office Action, because the Applicants of the instant application do not wholly or entirely own Hidaka and the subject matter recited by the claims of the instant application.

In view of the above, Applicants respectfully submit that Hidaka and the instant application are not commonly owned, which is one (1) of the requirements under which a nonstatutory obviousness-type double patenting rejection could be made.

Moreover, Applicants submit that Hidaka and the instant application are not subject to a joint research agreement, which is the second of the two (2) requirements under which a nonstatutory obviousness-type double patenting rejection could be made.

Accordingly, Applicants respectfully submit the nonstatutory obviousness-type double patenting rejection was made in error and should therefore be withdrawn.

Claim Rejections - 35 U.S.C. §103

The final Office Action dated October 16, 2008 rejected: Claims 1-6 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,075,294 to Van den Boom et al. (Van den Boom) in view of U.S. Patent No. 5,304,967 to Hayashi; Claims 1-6 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,883,840 to Sueyoshi et al. (Sueyohsi) in view of Van den Boom and Hayashi; Claims 7-8 under 35 U.S.C. §103(a) as being unpatentable over Van den Boom in view of Hayashi as applied to Claims 4 and 5, and further in view of U.S. Patent No. 6,769,154 to Klein et al. (Klein); and Claims 7-8 under 35 U.S.C. §103(a) as being unpatentable over Sueyoshi in view of Van den Boom and Hayashi as applied to Claims 4 and 5, and further in view of Klein.

Applicants respectfully traverse the rejections for at least the following reason(s).

Claim 1 recites a vehicle door outer handle system including, among other features, a pair of electrodes patterned on a circuit board and a ground plate housed within an operating handle, wherein the electrodes are covered by the ground plate and ***a covering made of a synthetic resin covers the ground plate and is disposed between the ground plate and the electrodes***. See Figures 2-6 and 8 for exemplary illustrations of the synthetic resin covering the ground plate as well as being disposed between the ground plate and the electrodes. As explained at least on page 10, lines 18-24 of the application as originally filed, the claimed invention provides the benefit of

the circuit board and electrodes being easily assembled within the operating handle and improves the water resistance of the circuit board and electrodes.

Applicants respectfully submit that Van den Boom, Hayashi, Sueyoshi, and Klein, either alone or in any combination thereof, fails to teach or suggest the claimed invention.

For example, the Office Action states that Van den Boom teaches a ground plate 36 forming a part of a sensor unit mounted on a holder so as to cover the electrodes and is covered by a covering portion 29. As described in column 4, lines 43-45 and shown in Figure 4, Van den Boom teaches the electrodes 30, 33 and circuit 34 are coated with a layer of insulating material 36, i.e., the ground plate, to seal the electrodes 30, 33 and circuit 34 off from air. That is, Van den Boom expressly teaches that the ground plate or insulating material 36 is applied directly to the electrodes 30, 33 and circuit 34 to seal the components off from air. In other words, Van Den Boom teaches a structural arrangement of components that prevents or prohibits anything from being positioned between the ground plate or insulating material 36 and the electrodes 30, 33 and circuit 34 so as to seal the components off from air.

Therefore, not only does Van den Boom not teach or suggest another component being disposed between the ground plate or insulating material 36 and the electrodes 30, 33 and circuit 34, such as a covering portion made of synthetic resin, but Van den Boom specifically teaches away from disposing another component therebetween in order to seal the electrodes 30, 33 and circuit 34 off from outside elements.

Put simply, Van den Boom fails to teach or suggest the invention recited by Claim 1.

Hayashi fails to cure or otherwise overcome the above-described deficiencies of Van den Boom as Hayashi merely teaches that it is well known in the art to provide a circuit board with electrodes patterned on it.

As admitted by the Office Action, Sueyoshi fails to teach a pair of electrodes, as well as an electrode patterned on a circuit board. As such, Applicants respectfully submit that Sueyoshi fails to teach or suggest a vehicle door outer handle system including, among other features, a pair of electrodes patterned on a circuit board and a U-shaped ground plate housed within an operating handle, wherein the electrodes are covered by the ground plate and ***a covering made of a synthetic resin covers the ground plate and is disposed between the ground plate and the electrodes.***

Put simply, Sueyoshi suffers from the same deficiencies as Van den Boom, as well as those admitted by the Office Action and fails to teach or suggest the invention recited by Claim 1. Hayashi fails to cure or otherwise overcome the above-described deficiencies of Sueyoshi and Van den Boom as Hayashi merely teaches that it is well known in the art to provide a circuit board with electrodes patterned on it.

Klein is cited merely for teaching that it is known to provide a holder that holds electrical components within a handle main body. As such, Applicants respectfully submit that Klein does not cure or otherwise address the above described deficiencies in Van den Boom, Sueyoshi and Hayashi.

Accordingly, Applicants respectfully submit that Claim 1 is not rendered obvious in view of Van den Boom, Hayashi, and Klein, either alone or in any combination thereof and should therefore be deemed allowable.

Claims 2-8 depend from Claim 1. it is respectfully submitted that these dependent claims be deemed allowable for at least the same reason(s) Claim 1 is allowable, as well as for the additional subject matter recited therein.

Withdrawal of the rejections is respectfully requested.


Conclusion

Prompt and favorable examination on the merits is respectfully requested.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing attorney docket number 107348-00543.**

Respectfully submitted,



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